

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 19, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:45 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul and Starkey. Also present were Town Attorney Kiar and Town Clerk Muniz recording the meeting.

Assistant Town Administrator, Ken Cohen, explained that the item pertaining to the Seminole Hard Rock Casino Hotel noise issue would not be heard that evening.

3. PRESENTATIONS

3.1. Comprehensive Annual Financial Report - Grau & Company

Budget & Finance Director William Underwood provided an overview of the Town's second audit. He advised that the Town's unreserved fund balance had grown from \$7.8 million to \$10.7 million for 2004.

Tony Grau, representing Grau and Company, gave a summary of the Town's audit and the financial highlights. He referred to page 5 and indicated that the Town's net assets showed a 10% increase. Mr. Grau referred to page 7 and advised that revenues had increased 23%, while expenses had gone up 19%. He referred Council to pages 11-22 with more detailed financial statements.

Mayor Truex asked about any consequences for non-compliance with regard to State requirements. Mr. Grau stated that this was dependent on where grants were coming from and added that for such grants, the federal government typically did not do much about non-compliance. He assured Council that his firm's goal was to complete the audit by March 31st to be in compliance.

Councilmember Crowley thanked Mr. Grau for completing the CAFR on time.

3.2. Wild Life Care Center - Councilmember Paul

Councilmember Paul explained that the Wildlife Care Center was preparing for Hurricane Wilma.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. August 17, 2005 (Regular Meeting) (tabled from October 5, 2005)
- 4.2. August 12, 2005 (Workshop Meeting)
- 4.3. August 31, 2005 (Special Meeting)
- 4.4. September 7, 2005 (Special Meeting)

Home Occupational Licenses

- 4.5. Hindi Hip, Inc., 10767 Garden Ridge Court
- 4.6. Thompson-Ellis Consulting, 13330 SW 29 Court

Resolutions

- 4.7. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE**
R-2005-269 **BID FOR SUPPLY AND INSTALLATION OF A MANUFACTURED BUILDING TO**
SERVE AS A TEMPORARY FIRE STATION AT SHENANDOAH PARK. (Payless
Mobile Home Sales, Inc. - \$69,500) (tabled from October 5, 2005)

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- 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2005-270 BIDS AWARDED BY THE STATE OF FLORIDA AND THE FLORIDA SHERIFF'S
ASSOCIATION FOR AUTOMOBILES, TRUCKS AND HEAVY EQUIPMENT.
(\$1,100,000)
- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-271 BID FOR INSTALLATION OF FIRE STATION WASH DOWN DRAIN LINES.
(Mjordan Construction Co. - \$89,395)
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2005-272 BID AWARDED BY THE CITY OF HOLLYWOOD FOR MULCH AND MULCH
INSTALLATION, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP
BID NO. I-3974-05-RD. (East Coast Mulch Corporation - \$45,000/year)
- 4.11. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-273 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A
UTILITY EASEMENT FOR THE "FIRE AND PUBLIC WORKS ADMINISTRATION
BUILDING AND PUBLIC WORKS STORAGE BUILDING; PROVIDING FOR
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-274 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN
OF DAVIE.
- 4.13. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-275 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LIMOUSINES
OF SOUTH FLORIDA, INC. FOR BUS TRANSIT SERVICES FOR THE GREEN
ROUTE. (\$64,000 year)

Temporary Use Permits

- 4.14. TU 9-2-05, Happy Holidays Seasonal Sales/Nova High School Band Parents
Association, 3500 South University Drive (Christmas tree sales)
- 4.15. TU 9-4-05, E.A.S.E. Foundation/Home Depot, 15835 Rick Case Way (Christmas tree
sales)
- 4.16. TU 9-5-05, E.A.S.E. Foundation/Home Depot, 2300 University Drive (Christmas tree
sales)
- 4.17. TU 9-6-05, Davie Merchants, 2701-2751 North University Drive (Christmas tree sales)
- 4.18. TU 9-7-05, Luke's Place, 3558 South University Drive (special promotion)
- 4.19. TU 9-8-05, PAL/Home Depot, 5801 South University Drive (Christmas tree sales)

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Quasi-Judicial Consent Agenda

- 4.20. SP 3-1-05, Davie Little Ranches, 5595 Orange Drive (RO) *Site Plan Committee recommended approval subject to compliance with the CRA's (Community Redevelopment Agency) recommendations as well as the planning report; 1) that the dumpster gate elevations be corrected to meet standards, get rid of the wood, and do some stucco banding similar to what is on the building; 2) correct the photometric plan and the poles; 3) do paver crosswalks through the paved driveway; and 4) to provide additional backup space at the dead end parking area per a revised plan*
- 4.21. SP 3-3-05, Toral Professional Bldg., 4820 SW 64 Avenue (B-2) *Site Plan Committee recommended approval based on the planning report and that crosswalks be designated with pavers if approved by DOT*
- 4.22. SP 3-6-04, Victoria-Say Plaza, 6651 Stirling Road (B-2) *Site Plan Committee recommended approval based on the planning report and the following items: 1) that the parking count is based on a retail use; 2) move the dumpster that is near the entry to an island location; 3) the loading zone that is at the retail on the east, try to move it to another location and the Committee recommended a 45° angle at the corner of the parking turn there; 4) the parapet at the rear, show a section that represents that anywhere on the roof, an air conditioner is placed so that it's screened from the rear; (the Committee felt that the parapet was too low); 5) on the rear it has not been designated, but the applicant is to put a nice trim across the top of the parapet in the back with stucco banding; 6) that the trees at the rear must accept wet conditions; 7) redo the photometric plan for a more consistent lighting pattern over the parking area as it appears too dim in places; 8) all bays are to have square footage labels on each of the bays so the applicant could create a legend and the legend would tabulate to the tabulation on the sheet for the gross square footage that then relates to the parking; and 9) that the crosswalks at the entrance must be designated with markings or pavers if DOT allows*

Mayor Truex pulled item 4.13. Vice-Mayor Hubert pulled items 4.8, 4.20 and 4.21. Councilmember Paul pulled item 4.1.

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Paul wanted to approve this item subject to correcting language on page 10 to clarify which site was being referenced.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve subject to correcting language on page 10. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Vice-Mayor Hubert requested that if any vans were to be placed up for auction, they be donated to the Rick and Rita Case Boys and Girls Club, and possibly the Police Athletic League, to help transport the Town's children to activities. Councilmembers Starkey and Crowley disagreed due to liability concerns. Mayor Truex advised that this was a separate issue from the agenda item. Mr. Cohen explained that staff could provide further information about this on the next agenda.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.13 Mayor Truex opened the item for public comment.

Rob Finer, representing Quality Transport, requested a reconsideration of item 4.5 from the last Council meeting and that this item be tabled. He explained that the owner was not present at the October 5th meeting or at this meeting because of the Jewish holidays, not because of neglect. Mr. Finer wanted to clarify that there were actually only 26 complaints about Quality Transport during the 8-month period and the remainder of the 150-plus complaints were inquiries about the routes and fees. He distributed documents pertaining to the City of Lauderhill's 82 complaints about Limousines of South Florida during a similar timeframe. Mr. Finer suggested that under these circumstances, Council table this item to review the documentation and hold public workshops on this issue.

Mayor Truex closed the public participation portion on this item.

Councilmember Starkey was not interested in opening the bid process again. She felt staff's information was acceptable and that Council had made a wise decision. Councilmember Starkey felt the level of service that would be provided by Limousines of South Florida would be superior to Quality Transport. She felt the competition between both vendors on their two routes would be good for the Town.

Councilmember Paul spoke of a resident she had spoken with earlier that day who complained about Quality Transport's poor service.

Mayor Truex was also not in favor of opening this item again. Councilmember Crowley appreciated Mr. Finer presenting the other side of the story.

Mr. Kiar advised of inconsistencies in the interlocal agreement regarding the contract period. Programs Manager Susan Dean advised that there was an amended document showing the correct period.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Town Engineer Larry Peters summarized the planning report.

Vice-Mayor Hubert asked if Redevelopment Administrator Will Allen or Housing and Community Development Director Shirley Taylor-Prakelt had spoken with anyone about having a mixed-use site. Mr. Shapiro, representing the petitioner, advised that this topic had not been discussed and that the building was sold out for office space. Mayor Truex suggested that going forward, Vice-Mayor Hubert address such questions with Mr. Kutney early in the site plan process.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Vice-Mayor Hubert advised that she had spoken with Mr. Shapiro.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.21 Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Mr. Engel, representing the applicant, advised that the mixed-use would not be allowed in the zoning category.

Councilmember Crowley questioned the relocation of oak trees to a dry retention area. Mr. Engel explained that the plan was changed and none of the trees would be relocated. He indicated that different trees would be planted. Mr. Kutney explained that Council's plans did not reflect the final version.

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Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Council had no disclosures.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve subject to moving the oak trees out of the dry retention area. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Quasi Judicial Item

- 6.1. SP 7-4-04, B & R Development, 7780 Griffin Road (C) (tabled from September 7, 2005)
Site Plan Committee recommended approval based on the planning report except for item number three and that regarding item number one - to allow parking space "#70" to be a "staff only" space unless it eventually works out to become available due to the development of the property site to the east - 1) correct the tabulations showing all the spaces and how they relate to parking, in other words, on each floor plan, label each area; 2) indicate the crosswalks on the west and north with concrete pavers; 3) the light posts on the site are not to be FPL post-top fixtures as shown on the plans; they are all to be the three decorative posts also shown on the plans; 4) on the colors, revisit awning, window and door colors and review selection with staff; and 5) the sign band on the front of the building is to be made a consistent height for flexibility of the signs in the future

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Planning and Zoning Manager Bruce Dell summarized the planning report. He referred to staff's recommendation #2 that required Council to approve a waiver to reduce the 10 feet buffer to 9 feet.

Ron Barr, representing the petitioner, explained that the waiver was for a parking space reduction and not an exterior buffer reduction.

Councilmember Crowley advised that he had attended Centerline Homes' presentation to the community and spoke of residents' request to place pavers in the pedestrian crossing. Mr. Barr agreed to this request. Councilmember Crowley asked if there were trees on the buffer in front of the building. Mr. Barr advised there would be several trees but they were removed from the rendering so the building could be better viewed.

Vice-Mayor Hubert asked Mr. Kutney why the applicant was not asked to build a mixed-use project. Mr. Kutney explained that the project met the requirements for a mixed-use project as it held retail and office space.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Starkey advised that she had spoken with the applicant. Councilmember Crowley advised that he had spoken with Mr. Barr. Mayor Truex advised that he had spoken with the applicant.

Mayor Truex voiced his support for the project but felt it was not indicative of Florida vernacular and asked if there was some way to work with the applicant to improve the building without too much expense. Mr. Kutney advised that staff could work with the applicant on this issue. Councilmember Crowley agreed with Mayor Truex about making the project more consistent with others on Griffin Road.

Councilmember Paul was not happy with some of the project's features presented on the rendering and was concerned about approving the design as shown. Mayor Truex asked Mr. Barr if he objected to coming back with improvements to the plan in two weeks. Mr. Barr had no objections. Councilmember Starkey felt the landscaping would be beautiful but wanted a softer look to the upper floor area. Mr.

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Kutney suggested that the item be approved that evening subject to conditions suggested by Council. Councilmember Crowley was in favor of moving forward.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve subject to adding pavers on the entrance to 78th Avenue crosswalk, to the applicant meeting with staff, Mayor and Council on the architectural design of the building itself, and to the Site Plan Committee's comments. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

7.2. Community Redevelopment Agency (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall either reside or engage in business within the jurisdiction of the Town)

No appointment was made.

7.3. Open Space Advisory Committee Agency (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

7.4. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

7.5. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.6. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

There was no old business to be discussed.

9. NEW BUSINESS

There was no new business to be discussed.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

THANKS. Councilmember Crowley thanked students who attended the mock Council meeting that evening. He looked forward to next year's event.

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11. TOWN ADMINISTRATOR’S COMMENTS

HURRICANE PREPARATIONS. Mr. Cohen requested that the Chair of the Town’s Emergency Operations Committee (EOC) address Council regarding preparation for Hurricane Wilma.

Fire Chief Don DiPetrillo indicated that preparations had begun within each department and mandatory evacuations of mobile home communities would occur in the event of a Category 3 storm. He advised of conference calls planned the following day with Broward County EOC to determine evacuation procedures and encouraged homeowners to prepare early for the storm.

Councilmember Starkey spoke of homebound individuals who felt they were not appropriately notified of an evacuation plan with previous storms. She recommended that individuals needing assistance notify the County and the Town immediately so the Town could assist with their evacuation. She requested that the media get this information out as soon as possible. Chief DiPetrillo encouraged those special needs residents to register immediately.

DAVIE ROAD CHARRETTE. Mr. Cohen read an announcement stating that the Davie Road Charrette scheduled for October 22nd and the follow-up meeting scheduled for October 27th had been postponed.

12. TOWN ATTORNEY’S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:09 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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